

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Desiree Champ Tate

Docket No. 7:11-CR-105-5 F

Petition for Action on Conditions of Pretrial Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting an official report upon the conduct of defendant, Desiree Champ Tate, who was placed under pretrial release supervision by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, sitting in the Court at Wilmington, NC, on the 7th day of September, 2011, under the following conditions:

- The defendant is placed in the custody of Shawn Thatch, 6906 Newbury Way, Wilmington, NC, 28401.
- Report to the probation office or supervising officer as directed.
- Surrender any passport to the United States Probation Office.
- Obtain no passport.
- Abide by the following restrictions on personal association, place of abode, or travel: Remain in the ED/NC and not travel outside the district.
- Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: Co-defendants on Indictment.
- Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- Refrain from excessive use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.

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- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Participate in the following location monitoring program component and abide by its requirements as the supervising officer instructs. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- Shall consent to a warrant less search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

On October 28, 2011, the court modified the defendant's conditions of release to include a requirement that she participate in a program of mental health treatment, as directed by the probation officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The offender was originally released to a third party custodian (Shawn Thatch) and required to reside at the custodian's residence. However, the custodian has encountered financial difficulties and has been unable to maintain reliable phone service at the residence which has caused significant problems for monitoring the home confinement/location monitoring condition ordered by this court. In order to resolve this situation, the defendant requested permission to relocate to a different residence and reside with her cousin, Jasmine Moore, at 1410 Grace Street, Wilmington, NC, 28401. The probation office has evaluated this request and recommends approval. This plan was orally presented to the court on December 14, 2011, at which time the court indicated this action would be viewed favorably. The government and defense counsel do not object to this modification. The original custodian, Shawn Thatch, has requested that she be released from her third party custodian obligations since the defendant will no longer be residing at her home.

PRAYING THAT THE COURT WILL ORDER that the defendant be allowed to reside with Jasmine Moore at 1410 Grace Street, Wilmington, NC, 28401, and that Shawn Thatch be released from her obligation to serve as a third party custodian.

/s/Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2048
Executed On: December 23, 2011

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ORDER OF COURT

Considered and ordered this 23 day of December, 2011, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.,
U.S. Magistrate Judge